

# The Democracy management In Indonesia Constitution

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## Abstract

Democracy is an ideal system of constitutional life and that comes from the West. Democracy implies power or government by the people, from the people and for the people. When the Western democracy is transformed into the non-West countries with different history and culture, democracy will take time to adjust to the situation, and subjects to various changes in the application in accordance with the new different environment. A frequent problem that emerges in the practice of democracy is how the government by the people, of the people and for the people is effectively implemented in constitutional practice. This paper provides thought concerned with the concept of democracy, including democratization in the development of constitutional practice

**Keywords :** Democratization, State Administration, Pancasila

## 1. Introduction

No term or system that receives big attention of mankind like democracy. Democracy by Aristotle (Greek philosopher), previously given negative sense, is now claimed by many nations or states as a system or principle in national and constitutional life. Nevertheless, democracy continues to experience growth despite visible differences in the application by each nation. Democracy can be viewed from two aspects of democracy in material sense and democracy in formal sense. Democracy in material sense is a democracy characterized by philosophy or ideology embraced by a nation or state. The various democracy embraced by each state indicates a fundamental difference in the practice of democracy. Therefore, some terms like Pancasila Democracy, Guided Democracy, Liberal Democracy, Socialist Democracy, and the People Democracy and centralism Democracy are known. Democracy in formal sense has evolved from direct democracy as carried out in City State in Ancient Greece into indirect democracy. Democracy is also indirectly called as representative democracy, a democracy performed by the representatives of the people sitting in institution or the representative body of the people.

The notion of democracy itself experiences growth. In his search for country aspiration or ideal state, a Greek philosopher Aristotle put forward a theory of cycle. Monarchy as good type of government, for one thing experiences degeneration called tyranny. This second type of government then receives reaction from good people around. Therefore, the type of tyrannical rule is later changed to the aristocracy. Since men are not immortal, this type is then changed again into a democracy, which is also called nobocracy or the rule of the mob. Thus, Aristotle democracy received negative sense. This differs from the definition given at the present time.

## 2. The Origin Of Democracy

The term democracy comes from two words of origin, which refers to a system of Ancient Greek government called 'demokratia', the 'demos' and 'kratos' or 'kratei'. Literally democracy comes from the word demos means

people and *kratos* or *cratein* means government ruled by the people. Democracy implies political power or government of the people, by the people and for the people (Warren et al., 1967; Hamzah, 2019). People are conceptualized as citizens. Thus, from its original meaning, democracy means ruled by the people. In the practice democracy is conceived and executed differently.

In the time of Ancient Yimani, the word democracy is used to refer to 'government by the many' (rule by the people), as opposed to 'government by the few' (rule by a group of people). MacGregor Burns in the *Government by the People* (Burns et al., 1989), proposes democracy as, "A system of government in which those who have authority to make decisions (that have the force of law) acquire and retain this authority either directly or indirectly as the result of winning free elections in which the great majority of adult citizens are allowed to participate.

Henry B. Mayo in *An Introduction to Democratic Theory* (Mayo, 1960), provides the sense of democracy as, "A democratic political system is one in which public policies are made on majority basis, by representatives subject to effective popular control at periodic elections which are conducted on the principle of political equality and under conditions of political freedom". The formulations provide general understanding of the nature of a country which adheres to the democratic system, they are:

- Democracy is a system of government with interlinked and inseparable elements;
- Those who hold power in the name of democracy may take decisions to establish and enforce the law;
- The power to regulate in the form of laws is acquired and maintained through free elections and is followed by the majority of adult citizens.

Of the three properties of the common understanding, a democratic country has three main understanding covering the nature, processes and objectives of democracy (Huntington et al., 1995). Huntington sees democracy in three general approaches, namely: the source of authority for the government; destinations served by the government; and the procedure for forming a government.

Democracy is a system indicating that public policy is determined on the basis of a majority of the representatives who are monitored effectively by the people in periodic elections based on the principle of political equality and held in an atmosphere of guaranteed political freedoms (Mayo, 1960; Dwiningwarni et al., 2019) , In other words, democracy is a system of government formed through elections to regulate the common life based on the rule of law in favour of the people. Harris G. Warrant <sup>(1967)</sup> in *Our Democracy at Work* provides the formulation of the notion of democracy as "a government of the people, by the people, for the people". Bryan A. Garner in *Black's Law Dictionary* (Black et al., 1999) states that democracy "government by the people, either directly or through representatives".

From the understanding of democracy above, the implementation of democracy has consequences to be considered, which provide opportunities for the people as citizens to exercise rights and obligations of the state. Presented by Robert A. Dahl in *On Democracy* (Robert, 1998), that "democracy provides opportunities for effective participation; equality in voting; gaining enlightened understanding; exercising final control over the agenda; inclusion of adults".

That is, democracy will provide an opportunity to the people for effective participation; equality in voting; clear understanding; ability to supervise the end of the agenda; and inclusion of adults. The consequences of democracy will provide a common size standard in view of a country as a democracy. In other words, when opportunity as a consequence of democratic general size standards is not executed, the country cannot be qualified as a democracy.

The concept of democracy originally emerged from a thought about the relationship of state and law in Ancient Greece and practiced in institutional life between 4<sup>th</sup>BC to 6<sup>th</sup> AD century. The democracy practiced in that time was direct democracy, which means that the rights of people to lull political decisions are executed directly by all citizens who act in accordance with the procedure majority.

In its development, the form of democracy has experienced twice democratic transformation, the first is transformation of the democratic city states in 5 BC ancient Greece and Rome as well as some city states in Italy in the medieval period. The second is transformation that occurs from the democratic city states into democracies region of nation, state, wide nation or state (Robert A Dahl, 1992).

The two forms of the democratic transformation have fundamentally changed the order form of democracy as a result of the displacement of the city-state to nation states. Robert A. Dahl suggests eight consequences of the implementation of democracy in the territory of the vast nation, namely: representation; unlimited expansion; the limits of participatory democracy; diversity; conflict: poliarchy; social and organizational pluralism; and the expansion of personal rights. This indicates that the shape and structure of democratic state at the time of Ancient Greece is very different from the shape and structure of democracy at the present time.

In the city-state the form of democracy is carried out directly (direct democracy), the people gathered at a place called 'ecclesia' to directly solve problems together (Kusnardi et al., 1995). Therefore democracy in a city-state at the time of the Ancient Greeks is also known as participatory democracy while representative institution is not recognized (Robert Alan Dahl et al., 2001). In modern countries developed models of indirect democracy through

representative institutions (Kusnardi et al., 1995). Representative institutions play an important role in arranging the wheels of government for modern democracies, though at the beginning the existence of representative institutions was not intended as a device democratic system. This is the fundamental difference between city-state and nation state in the governance process. "The practice of democracy in the city-states does not use representative institutions as democracy is citizens meeting to discuss the matter together.

An important event regarding democracy in the Middle Ages is the emerge of 'Magna Charta' document, a charter which contains some agreement between some nobles and King John in England, that the King recognized and guaranteed certain rights and 'privileges' of his subordinates in return for funds handover for the purposes of war and others. The emerge of this charter, although not applicable to common people, can be regarded as the emergence of new milestone for the development of democracy. This is because of the charter had seen the two basic principles, the limitation of royal power and that human rights are more important than the rule of the king (Ramdlon, 1983).

Criticism and revamp toward absolutism of monarchy is based on the theory of rationalistic as a 'social contract' with one of the hopes is determination that the world is ruled by law arising out of nature (natural) which contains the principles of universal justice, valid for all times and all the good king, nobles, and commoners (Budiardjo, 2003).

This indicates that theory of natural law is an attempt to overhaul the absolute rule and set the political rights of the people in a principle called democracy (people's government). Two great philosopher, John Locke (1632-1704) of England and Charles Louis de Secondat, Baron de La Bre'de et de La Montesquieu (1689-1755) of France, greatly contributed to the notion of democratic governance. John Locke argued that people's political rights include the right to life, liberty and the right to have (live, liberty, property). Meanwhile Montesquieu proposed basic systems which according to him can guarantee the political rights through the theory of 'separation of powers' or triad of politico by separation of powers in a state into legislative, executive, and judicial branches, each of which must be exercised by the themselves independently, which means that in principle all of the power should not be held only by one man.

The idea of government of the people (democracy) emerged from the idea of 'political rights of the people' and 'separation of powers'. However, until now today democracy has spawned two democratic concepts pertaining to the role of the state and the role of society, namely constitutional democracy of XIX century and constitutional democracy of XX century, both are always associated with the concept of a constitutional state.

The existence of representative institutions in modern democracies is very important in a nation state (Strong, 1930). The form of representative institutions, according to John Stuart Mill is an ideal form of government choice. According to Liberty Utilitarianism by Mill in Representative Government (Mill, 1936), a representative system in a modern democracy is "... but since all cannot, in a community exceeding a single small town, participate personally in any but some very minor portions of the public business it follows that the ideal type of a perfect government must be representative.

Through a representative institution, complex issues facing society will be resolved. Thus, a representative institution serves to bridge the aspirations of the people in the governance process. Therefore, in general the representative body has a function of legislation, monitoring and as a means of political education (Kusnardi et al., 1995). These functions are performed by representative institutions in order to realize the ideals of modern democracy followed by most countries in the world today.

Despite the simple meaning of the words, there is still no common view about the limits of democracy. This is caused by two things: (1) democracy has two kinds of meaning; (2) democracy itself has been and will continue to experience growth. This is partly raised by Mac Iver in his book *The Web of Government*, stating that 'democracy' is a form of government that is never completely Achieved. Democracy grows into its being". From the meaning of words, democracy means the people rule. In other words, the number of reigns is abundant yet the number of the ruled is fewer. Can this happen? In fact is the opposite, fewer rule abundant.

Regarding the problem, Maurice Duverger in his book *Les regimes Politiques*, argued that, " Sociologists of Durkheim confirmed that during the beginning of the revival of human civilization, there was no difference between the ruling and those who are ruled. Power was not run by certain people yet evenly by the herd entirely, everyone is subject to general standards considered and determined by the whole group. At that time everybody ruled and no one was ruled. Then, some people from the mob seemed to unite themselves, made themselves the embodiment of the collective benchmark as well as the rule on behalf of the hordes, that is what is called 25 power (Duverger, 1972). The French scholar further quoted the opinion of Jean Jacques Rousseau as follows: "If the word is held as general meaning, democracy is truly never existed and will never exist. Is contrary to the nature of nature, that the greatest number rule, while least should be governed. "

As has been stated, democracy can be viewed from two aspects, as stated by Bonger in his book entitled *Problemen der Demokratie*. Meanwhile in English literature another term was proposed by Robert K. Carr. Marver H. Bernstein, Donald H. Morrison, in his book *American Democracy- in Theory and Practices*, using the

term 'democracy as an ideology' and 'democracy as an actual governmental mechanism'. William Goodman in *The Two Party System in the United States* uses the term 'democratic in philosophy' and 'representative in form (Goodman, 1960).'

The fundamental difference of democracy adopted by each nation or state is situated on the first. Meanwhile in the second meaning there are many similarities. The question arises, why are fundamental differences about the meaning of democracy from country to country and is situated on the first meaning, what causes the differences? There are some foundations of philosophy used by democracy, including:

- Democracy which is based on freedom and equality;
- Democracy which is based on the progress in social and economic affairs;
- Democracy which is based on freedom and equality, and on social and economic progress as well.

### 3. Democracy Based On The Independence Equation

Throughout history, ideology of freedom and equality arise in constitutional life as a reaction to the ideology of absolutism, which is an ideology in which absolute power in the state are in the hands of one person (king, emperor, dictator) or a single body. In these situations, there is a striking difference between the ruling class and those who are not in power. Everything is run by the ruling class is intended only for the sake of his own faction.

With regard to the ideology of independence, Emery Reves in his book *A Democratic Manifesto*, suggests liberalism as follows: "Political ideology attempting to realize our ideals into social life is liberalism. Liberalism is the essence of the programs, which in the late 18th century was attractive with most influential powers in the United States, Britain, and France (Reves, 1943).

The United States Constitution, French Revolution, and the beginning of modern industrialization in the UK then gave tremendous impetus to the ideology of. Then the elements of progressive of all democratic countries were then united in political parties that aims to develop country and economic life based on individual liberty, ensure the independence of nations and create the greatest possible independence in relation to the exchange in the international field. "

From Emery Reves's view, the question arises, what is freedom or liberty?

In the history of mankind, the struggle for independence is a motor that has a very important meaning. This is due to the following facts:

- That all wars were made for independence;
- That all revolutions were begun for independence;
- That human trials in the field of science, economics and engineering, received impetus from the desire to achieve greater independence.

The points indicate that the ideals of freedom are the sources of all ideals, both in political, social, cultural, economic, and other fields. However, as well known, the interpretation and understanding are different. Therefore, it is understandable why concept then leads to chaos than the ideals of freedom itself. In pure sense, manifestations of independence are:

- Freedom of thought and embrace the belief itself.
- Freedom to unite with friends who has the same ideology and has a specific purpose.
- The freedom to set their own livelihood, not as ordered by the powers above it.

Thus, independence also means respect to a person, rights given to a person, no arbitrary action against a person or group of people. The consequence is the development of personality of each person freely. Independence as an ideology and ideals leads to chaos is also expressed by Montesquieu before the French revolution as follows: "*There is no word that has been given varied meanings and evoked more varied emotions in the human heart than liberty* Montesquieu states : ' *Some have taken it as a means of deposing him on whom, they had conferred a tyrannical authority; Other again have meant by liberty the privilege of being government by a native of their own country, or by their own laws; Some have annexed this name to one form of government exclusively of others; Those who had a republican taste applied it to this species of government; Those who liked a monarchical state gave it to monarchy*". (Friedrich-Ebert-Stiftung, 2003).

In this case freedom and equality are two things that cannot be separated. Thus, speaking of independence means also speaking about equality. The unity of freedom and equality is a condition that does not make sense. Freedom and equality are two ideologies or a principle that cannot be separated is also evident in history. When French revolution was raged (1789), leaders echoed the now-famous slogan, namely *liberte, egalite and fraternite*. The motto is the cry of the circumstances that occurred in France at that time and Europe in general. The slogan represents the ideals of

the French revolution over by E. Barker called the three sisters. E. Barker proposed the name as he thought that freedom, equality, and brotherhood are three things that cannot be separated from one another. However, from another angle fraternite is a logical consequence of their egalite in relation to human nature. Indeed, freedom without equality is difficult to think about. However, the equation also raised the issue of whether the real equation is there. Is there absolute equality among all human beings in the world?

The equation between man and man, between groups or nation in the world, in principle and in fact contrary to nature, therefore such equality actually does not exist and cannot exist. This means, too, that freedom in pure and perfect sense will show the exact opposite of any kind of independence. Although it is has been known that the two ideals are impossible absolutely, the ideologies are still strived

Ideology of independence also has influence in political, economic, social and cultural field. In accordance with the principles of freedom and equality, everyone is free to implement its goals and objectives, as well as defend its interests. Yet ultimately the freedom and equality does not mean anything at all, because it cannot be removed from areas of economic life.

The absence of similar capabilities in the areas of economic life led to the dependence of a person or group of people to the party a strong economic position. The principle of freedom and equality, especially in the economic field, causes free competition. Everyone is free to implement and achieve their objectives. Despite the principle of equality, without same capabilities, those who successfully compete are only those who are well-established, particularly one that dominated the economic life. By mastering the field of economy, strong group then seeks to master other areas of life, such as politic. This creates two classes if the haves and have not, according to Marx and Engels they are called the bourgeois and the proletarian class (Marx et al., 2002).

Ideology of freedom and equality as stated above may not be fully implemented. Therefore, it is understandable why Emery Reves argued, that kind of independence as the ideals of humanity should be asynthesis between freedom and coercion or between independence and attachment.

A power that comes from outside prohibiting a person or any person kills another person or seizes property rights of others, is a limitation of personal freedom. Power that limits independence will give protection to any person against the threat of murder or robbery to be done by someone. With the power, everyone is confident and believe that the protection of murder and extortion will further increase the feeling of personal freedom or everyone. Thus, the ideal of independence is an ideology that is relative and depends on two factors: first, to what extent a person cannot act freely; second, to what extent a person is treated by others acting freely.

It can be argued that the state of the so-called independence among human beings can actually be created with synthesis between freedom and coercion or between independence and attachment. Therefore, according to history, democracy in the formal sense (which is based on freedom and equality) as a result of the exercise of the ideology espoused and absolutism in the country, which is then performed as democracy in the political field. With the ouster of power in the hands of a person or entity in the country sat representatives' layers of people in the people's representative institutions. Democracy thus it then has consequences:

- The necessity of people's representative body;
- He necessity of election, either through free and confidential elections
- The necessity of political parties;
- The necessity of an institution that has the task of implementation, and responsible to the people through the representative body of the people(Pudji et al., 2019).

As the consequence, the implementation of constitutional field will not be the same in countries that embrace the ideology of freedom and equality. Therefore, the implementation will show various possibilities as system adopted in the United Kingdom, France, Germany, the United States, and others.

#### **4. Democracy Based On Social And Economic Progress**

As noted, the basis of democratic freedom and equality has consequences of requirement for free competition in economics. Due to lack of the same capabilities of those who run the free competition, there is huge gap between the haves and the have not class. In practice, this second group of state administration cannot participate in determining constitutional affairs. This fact is caused by the weak position of the have not, in addition it is also fact, that people's representative institutions controlled by the have group. The differences were then reinforced with industrial revolution, in which human labour no longer has significance in the production process. What then happened is the replacement of human labor with mechanical power the occurred. In a further development, unemployment occurred everywhere. Due to the expansion, the unemployment eventually leads to a variety of social problems.

Therefore, new discoveries in the field of engineering and industry occurred to enhance the means of production. This then resulted in doubling of production results flooding the communities. In accordance with the

enactment of the laws of economics, the goods are thrown into the society becomes degenerate in price, which then leads to lower profits earned by the bourgeois. This is the analysis of Marx and Engels (Ibid.). However, this bourgeoisie will try to defend themselves in order to defend its interests, such as gain, control of the market value of their harvests, industrial production must inevitably be reduced. The consequence of the actions is massive dismissal of workers. It eventually leads to extensive unemployment.

After knowing and understanding the above ideology, a question arises, how is the basic application or ideology in the field of constitutional? To determine the application as well as the realization of democracy based on the ideology of communism, one must see it from the constitution of communist or socialist countries. From the constitution of the communist countries it can be seen that the democracy embraced is embodied in the form of the dictatorship of the proletariat. In the system of the proletarian dictatorship, power in the state is represented by the proletarian class, the communist party except for certain differences as a result of a variety of specific or general factors, the principle of democracy in communist states is realized in the same pattern. (Marx and Engels, Ibid.).

## 5. Indonesian Democracy

Indonesia was born after World War II, a war that involved democracies and fascist or national-socialist states. As a nation that has experienced Dutch occupation for more than 350 years and Japan for more than 3.5 years, the Indonesian people really appreciate the meaning of independence and equality and democracy. Therefore, there is a unity of views among the founders of the state of the system or principles that must be adhered to in the country to be established. Indonesia declared its independent nation through a proclamation on 17 August 1945. However, the Constitution draft had been prepared earlier. In fact, on June 1, 1945 the leaders sitting in Investigation Agency for Efforts and Preparation of Indonesian Independence have agreed on the basis of the adopted country. On June 1, 1945, Ir. Sukarno had uttered a speech known as the emergence of any ideology. The investigative bodies approved the establishment of Pancasila as the state foundation/philosophy.

At the time of Indonesian Independence Preparatory Committee established the Constitution of the State on August 18, 1945, the basic state is encapsulated in the fourth paragraph Preamble of UUD 1945. In the same section also establishes that body of popular sovereignty as the basis of the composition of the Republic of Indonesia. What is stated in the Preamble of the 1945 Constitution is also found in Article 1 (2) that sovereignty is in the hands of the people. In detail the substance of the concept of civil society of some biases we see in the following table 1

Table 1 : concept of civil society

Substance and indicators
A space for community participation, in voluntary associations, mass media, professional societies, trade unions, church farmers or religious associations...." (civil society)
A progressive ethical society leading to the formation of a superior civilization"
substantially boils down to the need for strengthening the community (citizens) in a state community to balance and be able to control state policies that tend to position citizens as weak subjects
three key dimensions to civil society: Material foundation: i.e the predominant way in which non-governmental actors sustain themselves, especially their degree of autonomy in control over resources. Organizational form: i.e, the predominant way citizens associate in order to live their lives, express them selves, pursue their interests, exchange information, mediate differences and create stable patterns of relationship which are recognized as social institutions. Ideological perspective: i.e. the predominant values and aspirations which guide expectations, give meaning to life, shape norms of behavior and are used to explain power differences and inequality. There is appreciating and responding to multiculturalism

If sovereignty is defined as the highest authority in the state, the sovereignty of the people also means that the highest power in the state belongs to the people. In other words, there is no other authority to overcome the power of the people. Nevertheless, the people's sovereignty must be based on God, just and civilized humanity, the unity of Indonesia, democracy led by the inner wisdom of deliberations/representatives, as well as to achieve social justice for all Indonesian people. In other words, sovereignty embraced by the people of Indonesia is based on Pancasila. If sovereignty is synonymous with democracy, then democracy embraced by Indonesian people is as stated in the Act of 1945 is Pancasila Democracy. The question is then on the meaning of Pancasila in relation to the Indonesian state. When studied in depth, two pearls are found, they are unity in diversity and diversity in unity. If associated with human, human nature as a creature of God is a personal being and also social beings, this means that human nature is individual as well as social beings. According to the state ideology of Pancasila, human nature as a unity that should be developed in balance and harmoniously. Thus, Pancasila is considered that human happiness will be achieved, if it

can develop a relationship that is in harmony and balance between man and society. Because humans include physical dimensions and nonphysical dimensions, then the need for any human being consists of physical and non-physical aspects. Thus, Pancasila Democracy is viewed from the aspect of material not only base itself on freedom and equality alone, or just basing ourselves on the progress in social and economic fields, but rather basing ourselves on both at once.

Pancasila Democracy is shared both by the Constitution of the Republic of Indonesia States as well as by the Constitution in 1950. The question is, how the implementation of Pancasila democracy in practice? As is known, the Act of 1945 applied in the period 1945 to 1949 and 1959 to the present. In the first period coming into effect, it may be noted the prominence of the implementation of freedom and equality, especially in the political field. This becomes more prominent after the change of the prevailing system of government, namely ministers originally responsible to the President be accountable to the Central Indonesian National Committee which had previously been given legislative powers. This is further strengthened by a multi-party system. Thus, liberal democracy was implemented in the period 1945 to 1949. The fact also occurs when the enactment of the Constitution of the Republic of Indonesia States in 1949 for approximately 8 months.

Why the form union state is applied only approximately 8 months? From the history of the state administration may be noted that the Indonesian people in general do not want the union state form. That is why the people of the regions, regional dissolve and join the State (Regional Section) of the Republic of Indonesia. In the end, of the 16 regions of the area there were only three part: State of the Republic of Indonesia, the State of East Indonesia, and the State of East Sumatra. As the realization of a desire to return to a unitary state the enactment of the Federal Law No.7 of 1950 consisting of 2 (two) articles, namely: Section I contains the Constitution While 1950; Article II contains the promulgation of the Basic Law.

As has been stated above, democracy adopted was the Constitution of 1950, as well as those adopted by the United Republic of Indonesia is Pancasila Democracy. The question is, how is the application of democracy in practice?

Because the period of validity of the Constitution of the United Republic of Indonesia is relatively short, the period was abandoned and the implementation of Pancasila democracy in the period of enactment of the Constitution of 1950 was carried out.

As a result of wide opportunity, political parties were established in 1945 (Government edict of November 3, 1945), then in the period of enactment of the Provisional Constitution of 1950, multi-party system was also implemented. The implementation was better after the issuance of Law No. 7 of 1953, on the first general elections in Indonesia.

The law is adhered to a proportional electoral system, and electoral system resulted in the enactment of multi-party system. Thus, the lack of freedom (freedom) to establish political parties is followed by elections by proportional electoral system causing disintegration of Indonesian community in a variety of political groups, each with a different principle.

This means that in the period of enactment of the Provisional Constitution of 1950, democracy on the freedom and equality still exists in political life in Indonesia. There are four major political parties that time yetas there was no single political party that controls more than half the seats in the House of Representatives, plus the use of parliamentary system of government, the cabinet was no longer than two years. The lack of stability in the government sector has also brought impact due to lack of stability in the political field. As the consequence the work program of every cabinet or government experienced problems in the implementation. Therefore, it is understandable when the President of the Republic of Indonesia submitted its conception, namely on the establishment of the Mutual Cooperation Cabinet and the National Council.

In the end, the failure of constituent to establishes the basic state, the consequences may not be the enactment of the basic law that remain, the government offered to the constituent assembly in order to set 1945 as the Constitution as fixed law. This bid was not supported by at least 2/3 of the members of the constituent under the terms must be present and approve. For the second time a constituent did not successfully perform their duties. That is why on July 5, 1959 the President issued a decree including the setting of the re-enactment of the 1945 Constitution.

In the second period of the enactment of the 1945's, Pancasila Democracy was again not implemented. The Guided Democracy, a democracy in which all power in the state is self-centered President of the Republic of Indonesia was used. This continued until the issuance of supersemar, 1966, which is the beginning of the existence of the New Order.

One of the New Order's determination is that the will to implement the Act of 1945 purely and consequently, including Pancasila Democracy. As democracy in general, Pancasila Democracy is also a form a government that is never completely achieved. To borrow the words of Mac Iver in his book *The Web of Government*, Pancasila Democracy also grows into its being. This means that democracy embraced by the Indonesian people will continue to grow, which will inevitably be influenced by factors internal and external. Thus, globalization will also give colour to Pancasila Democracy.

Originally Human Rights and Fundamental Rights of Citizen of Indonesia was considered a problem. then as a consequence of globalization, it colored the implementation of Pancasila Democracy. Therefore Sri Soemantri formulated Pancasila Democracy as follows (Soemantri, 1992):

- Pancasila democracy bases itself on freedom and equality and progress in the socio-economic as well;
- Pancasila Democracy implies that the supreme power belongs to the people, which in the period between one elections to another was carried out entirely by the Assembly of the People.

The formulation of Pancasila Democracy in determining the direction and purpose in life of the nation under the auspices of NKIR aims to create prosperous society based on Pancasila, with prosperity and social justice (5<sup>th</sup> principle) based on the direction of the policies carried out by deliberation by elected representatives (4<sup>th</sup> principle) to maintain the unity of Indonesia (3<sup>rd</sup> principle) and uphold the values of humanity that is fair and civilized (2<sup>nd</sup> principle), and based upon belief in one supreme God (the 1<sup>st</sup> principle) that the community justice and prosperity will be realized. At this level, this representative role order of a democratic system became the decisions related to state affairs and governance in Indonesia in the future.

## 6. Conclusions

We can conclude that democracy is the participation of all people in taking political decisions and run the government. Political decision in question is a deal that is set to be a rule that will govern the lives of all the people itself. Involvement and participation of the people is very fundamental in a democracy, because democracy is not only related to the purpose of an assessment is generated by a government, but also to the whole process of making provision itself. For example, a government arbitrary (despotic) can also make decisions in accordance with the will of its people as possible in accordance with the needs of the people, but it cannot be called a democracy, because never involve citizens in setting each policy.

Basically, democracy as a form or system of government that involves all people to participate and govern through the intermediary of their representatives, idea or view of life that promotes equal rights and duties and equal treatment for all citizens, through a process of democratization.

Democratization is a process for realizing or enhances democratic life. There will be a problem if a state aspiration as a democratic state is not yet realized as expected. Therefore, democratization is defined as a process to overcome discriminatory restrictions. Overcoming discriminatory restrictions that citizens and groups or segments of society is not hindered by status or social rights is necessity, and participation can be performed in various activities involving public affairs and government.

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